

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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UNITED STATES OF AMERICA

v.

EDMOND P. LAFRANCE,

Defendant

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Criminal No. 16-10090-IT

REPORT IN LIEU OF INTERIM STATUS CONFERENCE
PURSUANT TO LOCAL RULE 116.5 (b)

June 24, 2016

Hennessy, M.J.

Defendant LaFrance is alleged to have induced five individuals to transfer to LaFrance money in the form of loans or cash investments that La France allegedly represented would be used in connection with business ventures in which he was involved. It is alleged that the representations LaFrance made to induce these transfers were fraudulent. LaFrance is charged with two counts of wire fraud, relating to victims 1 and 2.

I scheduled an Interim Status Conference for June 24, 2016 in Worcester. However, prior to the conference, counsel filed a joint memorandum that obviates the need for the conference. On the basis of the memorandum, I report as follows:

The United States expects the grand jury to return a superseding indictment which, this court understands, will add charges as to victims 3, 4 and 5. To the extent that venue for the

charges regarding victims 3, 4 and 5 is not properly laid in the District of Massachusetts, LaFrance has advised the United States that he will waive his objection to venue, and assent to prosecution of such charges in the District of Massachusetts.

Local Rule 116.5(b)(1) through (4)

The United States has produced automatic discovery and additional discovery. From the parties' report for the May Initial Status Conference, the court understands this discovery includes materials pertaining to victims 3 through 5. There are no pending discovery requests. Defendant is directed to serve any discovery requests for materials produced or made available for inspection on or before June 24, 2016 in 30 days. As noted, the court has granted the parties' joint motion for a protective order. See Docket 38-39.

Local Rule 116.5(b)(5)

Defendant is directed to report at the Final Status Conference whether, based on a review of discovery, he will file pretrial motions pursuant to Fed.R.Crim. P. 12(b). This court will set a motion schedule at the Final Status Conference.

Local Rule 116.5(b)(6)

The parties do not anticipate offering expert testimony. To the extent this changes, the government's expert disclosures, if any, shall be due thirty (30) days before trial, and Defendant's expert disclosures, if any, shall be due twenty-one (14) days before trial.

Local Rule 116.5(b)(7)

Defendant is directed to report at the Final Status Conference whether he will raise a defense of insanity, public authority, or alibi.

Local Rule 116.5(b)(8)

Pursuant to orders of this court, I have excluded the period from April 5, 2016 (the date of Defendant's arraignment on the Indictment), through June 24, 2016 (the date of the Interim Status Conference) from the time in which trial of this case must commence. The parties further agree that the period from June 24, 2016 through the Final Status Conference that I have set, at the request of the parties, for August 24, 2016 should be excluded under the interest of justice provision of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). I will allow that request and enter a separate written order. It appears that five days, from the return of the Indictment on March 30, 2016 until the arraignment on April 5, 2016, is chargeable against the statutory speedy trial clock. See Order of Excludable Delay entered on this date.

Local Rule 116.5(b)(9)

The parties do not report on plea discussions. The parties estimate that trial will require 7 to 8 days.

Local Rule 116.5(b)(10)

A Final Status Conference will take place in this case on Wednesday, August 24, 2016 at 2:00 p.m., in Courtroom #1, Fifth Floor, Donohue Federal Building, 595 Main Street, Worcester, Massachusetts. Counsel are required to attend, but are invited to do so by telephone if that is more convenient. If any counsel wishes to appear by telephone, he is to contact Lisa Belpedio before the conference and provide her with a landline telephone number at which counsel can be reached. The parties should be ready to address Local Rule 116.5(c). The court expects to transfer the case to Judge Talwani following the Final Status Conference.

/s/ David H. Hennessy
David H. Hennessy
United States Magistrate Judge